Ashfield
DISTRICT COUNCIL

GAMBLING ACT 2005
STATEMENT
OF
GAMBLING POLICY
2022 – 2025

Effective from 31st January 2022 **Adopted: 2nd December 2021**

Statement of Gambling Policy
Gambling Act 2005

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Ashfield District Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to licence other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

The Council has consulted various bodies and organisations upon this statement (see Appendix One). The consultation period ran from 13th September 2021 until 24th October 2021.

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1. INTRODUCTION AND SCOPE

Introduction

1.1 Section 349(1) of the Gambling Act 2005 ["the Act"] imposes a statutory requirement upon Ashfield District Council as the statutory Licensing Authority ["the Authority"] to prepare a Statement of Principles ["the Statement"] and to review it from time to time and every three years.

1.2 The Act sets out three licensing objectives which this Statement will promote. The three objectives are as follows:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way; and**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the three licensing objectives.

1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

1.4 The Authority will, in the statutory discharge of its functions have particular regard to the principles to be applied in exercising its powers:

- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm;
- under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.

1.5 Subject to statutory provision, a review of this Statement will take place periodically and any revisions to the Statement will be made taking into account information collated over a period of time; the outcomes of related initiatives at central and local government level and following appropriate consultation.

1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

Declaration

1.7 The Authority in preparation of this Statement have had due regard to:

- the Gambling Act 2005;
- the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006;
- guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act; and
- responses from those consulted on the Statement.

Consultation

1.8 The Gambling Act requires the licensing Authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:

- in England and Wales, the chief officer of police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

In developing this Statement the Authority has consulted widely to ascertain an appropriate licensing framework for its area. A full list of consultees is shown in **Appendix One**.

Local Area Profile

1.9 Ashfield District covers an area of 10,956 hectares and is located on the western side of Nottinghamshire. It has an estimated population of 121,600 (2013 midyear estimates). The majority of the population are concentrated within the three main towns of Sutton in Ashfield, Hucknall and Kirkby in Ashfield together with three large villages in a substantial rural area mainly to the west of the M1 motorway.

The main towns share a strong historic, economic and cultural links based around the growth and subsequent decline of the Coal mining, textile and engineering industries. Traditionally Ashfield is a predominantly a manufacturing area with a cultural heritage, Newstead Abbey (ancestral home of Lord Byron) lies just over its eastern border and the Parish Church of St Mary Magdalene in Hucknall is the final resting place of Lord Byron and the Byron family.

Ashfield has a wealth of country parks, golf courses and development land, and as a result presents an attractive and clean environment in which to live and work.

1.10 Ashfield district has excellent communication corridors through the A38 and junctions 27 and 28 of the M1, also has close proximity to East Midlands Airport and the Robin hood

railway line runs through the district that connects Nottingham to Worksop with stations at Sutton Park Way, Kirkby in Ashfield, and Hucknall. Hucknall is also the start of the Nottingham City Tram service which goes directly to the City Centre.

A local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks.

Authorised Activities

1.11 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities;
- issue provisional statements for premises;
- consider notices given for the temporary use of premise for gambling;
- grant permits for gaming and gaming machines in clubs and miners welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to Family Entertainment Centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks
- register small society lotteries

NB: Operator licences, Personal Licences and Remote Gambling are all dealt with by the Gambling Commission.

The National Lottery is now regulated by the Gambling Commission. Spread betting is regulated by the Financial Services Authority

In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- maintaining a close working relationship with the responsible authorities;
- taking necessary and appropriate steps for the protection of children and other vulnerable persons; and
- the need to treat each application on its own merits taking into account the individual circumstances at each premises.

Relationship with Other Legislation

1.12 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of the following, this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.

1.13 In particular, in making a determination in respect of any application, the Authority will make it decision on the individual merits of each application and will not take into

account irrelevant matters, such as the likelihood of the application receiving planning permission, or building regulation approval.

"Demand" for Gaming Premises

1.14 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

Rights of Applicants and Third Parties

1.15 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.

1.16 Similarly this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

Data Sharing, Data Security and the Principles of Better Regulation

1.17 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Equality

1.18 The Council aims to act positively to reduce inequality, to work against discrimination and to promote and create access to services by everyone, irrespective of their age, disability, race, gender, sexuality, cultural or social background, religion or belief.

2. LOCAL RISK ASSESSMENTS

2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision came into force on 6th April 2016.

2.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement. Such risk assessments should also be retained at the premises.

2.3 Licensees must review (and update as necessary) their local risk assessments:

a) **to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;**

b) **when there are significant changes at a licensee's premises that may affect their mitigation of local risks;**

c) **when applying for a variation of a premises licence; and**

d) **in any case, undertake a local risk assessment when applying for a new premises licence.**

2.4 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be updated:

- **when applying for a variation of a premises licence**
- **to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement**
- **when there are significant changes at a licensee's premises that may affect their mitigation of local risks.**

2.6 The new social responsibility provision is supplemented by an ordinary code provision recommending as good practice that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions took effect from 6th April 2016.

2.7 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.

2.8 The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

Public Health

2.9 The 3 statutory licensing objectives for gambling include protecting children and other vulnerable persons from harm and exploitation. Licensing policies are not currently required to address Public Health concerns and Public Health is not a responsible authority, as in the case of alcohol, however the Gambling Commission has recognised the benefits of a Public Health whole population approach (February 2018). The Commission has identified specific groups of people who are particularly at risk:

- Ethnic groups
- Youth
- Low IQ
- Substance abuse / misuse
- Poor mental health.

2.10 It is estimated that there are over 370,000 problem gamblers in England. There are no local level estimates available. Gambling harm includes poor physical and mental ill-health and is associated with substance misuse problems especially alcohol and with smoking. It also contributes to debt problems, relationship breakdown and criminality.

2.11 There is less evidence available to support Gambling Statement of Licensing Policies at a local level. Nationally there is a significant amount of gambling that takes place on the internet which reduces barriers to where people can gamble.

2.12 Problem gambling is linked with areas of socio-economic deprivation, so identifying areas with potentially higher levels of gambling harm can therefore be informed by the alcohol licensing maps. A map providing details of these areas can be found online at: **www.nottinghamshireinsight.org.uk/d/205125**

3. MAKING REPRESENTATIONS

Who Can Make a Representation?

3.1 The Gambling Act allows "responsible authorities" (identified in section 157 of the Act) and "interested parties" to make representations to applications relating to premises licences and provisional statements. In the case of reviews, that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies. The following section therefore only relates to representations in respect of premises licences and provisional statements.

3.2 Premises licences are only necessary for the types of gambling listed below and interested parties may therefore only make representations in respect of:

- Casino premises
- Bingo premises
- Betting premises (including tracks)
- Adult gaming centres
- Licensed family entertainment centres

Interested Parties

3.3 Interested parties are defined as persons who in the Authority's opinion:

- live sufficiently close to the premises to be likely to be affected by the authorised activities;
- have business interests that might be affected by the authorised activities, or
- represent either of the above.

Policy One

3.4 **In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority will normally take any or all of the following into account which appear relevant to it to ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard:**

- **the proximity of their home or business to the application premises;**
- **the nature of their residency (e.g. private resident, resident in home for the vulnerable etc);**
- **the nature of the business making the representation;**
- **the nature of the authorised activities to be conducted on the application premises;**
- **the size and capacity of the application premises;**
- **the likely catchment area for the application premises;**
- **the routes likely to be taken to and from the application premises;**
- **the character of the area;**
- **the density of the built up area; and**
- **the topography of the area**
- **local area profile**
- **mitigating measures contained within the applicants risk assessments**

REASON*: To ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.*

3.5 The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore, include charities, churches, medical practices, schools and other establishments and institutions.

3.6 Similarly a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.

3.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

3.8 It is for the Authority to determine on a case by case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given authority for representations to be made on their behalf. In cases which are not clear-cut the benefit of the doubt will usually be exercised in favour of the person making the representation.

Form and Content of Representation

3.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- this Policy Statement,
- the Commission’s Guidance,
- local area profile and applicants local risk assessments
- the Codes of Practice, and
- where the application is reasonably in accordance with the licensing objectives.

3.10 As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.

3.11 All representations must be made in writing and must be received by the Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:

- be positively tied or linked by a causal connection to particular premises; and
- relate to the licensing objectives, or
- raise issues under this policy, the Commission’s Guidance or Codes of Practice.

3.12 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition, the Authority expects representations to be made in accordance with ***Policy Two***.

Policy Two

3.13 A representation should indicate the following:

(i) the name, address and a contact number for the person making the representation;

(ii) the capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented;

(iii) the name and address of the premises in respect of which the representation is being made;

(iv) the licensing objective(s) relevant to the representation;

(v) why it is felt that the application:

- **is not reasonably consistent with the licensing objectives; or**
- **is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice; or**
- **the local risk assessments are not considered suitable and sufficient; or**
- **otherwise should not be granted; or**
- **should only be granted subject to certain specified conditions;**

(vi) details of the evidence supporting the opinion in (v).

REASON*: To ensure the representation is made by a responsible authority or interested party and that it is relevant and directly related to the application premises.*

3.14 A preferred form of representation is available. A copy of the form can be downloaded at **www.ashfield.gov.uk** or requested directly from the licensing team. Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

3.15 Ordinarily, where representations are received, the Authority will hold a Hearing, however, a Hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the Authority's determination of the matter. It is for the Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.

3.16 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received form a rival operator which is based solely on the fact that the new premises would compete with their own.

Irrelevant Considerations

3.17 Whilst not intended to provide an exhaustive list the following matters cannot be taken into account and representations relating to them are likely to be discounted:

- need and demand for the relevant premises;

- issues relating to nuisance;
- traffic congestion and parking.
- Likelihood of the premise receiving planning permission or building regulation approval

3.18 Any person seeking to operate gambling premises must first have applied for, or obtained, an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application.

The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

Reviews

3.19 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a licensing sub-committee (licensing panel).

3.20 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.

3.21 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews, and that may include a 'filter' system to prevent unwarranted reviews from being conducted.

3.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause it to want, for example, to look at the default conditions that apply to that category of licence.

In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.

3.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles, Codes of Practice, local area profile and the premises licence holders local risk assessments.

4.0 LICENSING OBJECTIVES

Preventing Gambling From Being a Source of Crime and Disorder

4.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.

4.2 The Authority places considerable importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises. The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arises the Authority will bring those concerns to the attention of the Commission.

4.3 The Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the applicants local risk assessments which should include reference to the following:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. This may include matters such as
- the position of cash registers or the standard of CCTV that is installed;
- where premises are subject to age restrictions, the procedures in place to conduct age
- verification checks;
- the likelihood of any violence, public order or policing problem if the licence is granted.

4.4 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime. In respect of betting offices the Authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

4.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.

4.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance.
A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

4.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

Policy Three

4.8 The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district, particularly when considering the location, impact, operation and management of all proposed licence applications.

REASON: ***Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.***

Ensuring Gambling is Conducted in a Fair and Open Way

4.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).

4.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by ensuring that:

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public; and
- machines, equipment and software used to produce the outcome of games meet
- standards set by the Commission and operate as advertised.

4.11 Because betting track operators do not need an operating licence from the Commission, the Authority may, in certain circumstances attach conditions to a licence to ensure that the betting is conducted in a fair and open way.

The Authority may in these circumstances also consider the suitability of the Applicant to hold a track premises licence. Factors which will be taken into account include the

applicant's business experience, their financial standing and whether they may be regarded as fit and proper to hold a licence.

Protection of Children & Vulnerable Persons

Access to Licensed Premises

4.12 The access of children and young person's to those gambling premises which are adult only environments will not be permitted.

4.13 The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

4.14 The Authority will consult with the Nottinghamshire Safeguarding Children's Partnership and the Nottinghamshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.

4.15 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. The Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm, in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include such measures as:

- supervision of entrances;
- segregation of gambling areas from areas frequented by children;
- measures/training covering how staff would deal with unsupervised young children
- being on the premises;
- supervision of gaming machines in non-adult gambling specific premises;
- appropriate measures/training for staff as regards suspected truant school children on the premises.

4.16 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the Police to ensure the appropriate enforcement of the law in these types of premises.

4.17 In accordance with the provisions of the Act, the Authority will not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children. The Act does not define "vulnerable persons" but the Gambling Commission's guidance indicates that they include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

The Authority will follow this guidance when considering whether, in relation to particular premises, any special considerations apply in relation to the protection of vulnerable persons.

4.18 The Authority encourages Applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.

4.19 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example:

- Residential areas
- Schools and other educational establishments
- Residential hostels for vulnerable adults
- Premises licensed for alcohol or gambling

5. PREMISES LICENCES

General Principles

5.1 In the Act, 'premises' is defined as including any place. Section 152 prevents more than one premises licence applying to any place. However a single building could be subject to more than one premises licence, provided that they are for different parts of the building and different parts of the building can reasonably be regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences for units within them. The Authority will pay particular attention if there are issues about the sub-division of a single building or plot and will ensure that mandatory conditions relating to access between such premises are observed.

In relation to an application to split existing licensed premises thereby creating multiple premises, the Authority will expect the primary use of each premises to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

5.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application.

5.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

With the exception of applicants for track premises anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Generally therefore the Authority will not be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.

5.4 The licensing authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

Betting Premises and Tracks

5.5 Betting premises relates to those premises operating off-course betting. That is other than at a track.

5.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises although they would normally only open on event days. There may be several licensed premises at any track.

5.7 Permitted activities include:

- off-course betting;
- on-course betting for tracks;
- betting by way of betting machines, and;
- gaming machines as stipulated by regulations.

5.8 Factors for consideration when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of such machines and;
- the provision for licence holders to ensure appropriate age limits are adhered to.

5.9 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.10 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.

General Matters Relevant to Tracks

5.11 Ashfield does not have any Tracks within its area, however for guidance, Tracks may be subject to one or more premises licences provided each licence relates to a specified area of the track.

The Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

5.12 Track operators are not required to hold an operator's licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore, premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting.

The Authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example, in ensuring that betting areas are properly administered and supervised.

5.15 The Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

5.16 Applicants are encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers / website addresses for organisations such as GamCare and Gamblers Anonymous

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming Machines used on Tracks

5.17 Guidance from the Gambling Commission addresses where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them.

The Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded.

Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting Premises in Relation to Tracks

5.18 A Track may hold a betting premises licence allowing betting to take place within defined areas.

There may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting.

Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

Pool betting may also take place on certain types of tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.

5.19 In line with the Commission’s Guidance, the Authority will expect operators of self-contained units on tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Betting Machines on Tracks

5.20 The Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.

5.22 When considering whether to exercise its power to restrict the number of betting machines at a track, the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

Condition on Rules Being Displayed on Tracks

5.23 The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.

For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

The Authority encourages applicants to demonstrate in their application and in the conduct of their activity that they will comply with this.

Applications and Plans for Tracks

5.24 Regulations set out specific requirements for applications for premises licences and, in accordance with the Gambling Commission's suggestion that, to ensure the Authority gains a proper understanding of what it is being asked to licence, the premises licence application pack for a track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is

permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

Applicants should provide sufficient information that the council can be satisfied that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or, at a minimum, by use of a key to denote the use of those areas shown.

Adult Gaming Centres (AGC's)

5.25 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.

5.26 Permitted activities include the provision of gaming machines as stipulated by regulations.

5.27 Factors for consideration when determining the application for an AGC will include:

- the location; and
- the ability of operators to minimise illegal access by under 18's to the premises.

5.28 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.29 Conditions may be applied by the Authority in support of the licensing objectives, if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

Club Gaming Permits and Club Machine Permits

5.30 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.

5.31 Club machine permits allow the provision of higher category gaming machines.

5.32 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

5.33 The Authority may only refuse an application on the following grounds:

(a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
(b) the applicant's premises are used wholly or mainly by children and/or young person's;
(c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
(d) a permit held by the applicant has been cancelled in the previous ten years; or
(e) an objection has been lodged by the Commission or the police;

and in the case of (a) or (b) must refuse the permit.

5.34 The authority may grant or refuse a permit, but it may not attach conditions to a permit.

Alcohol Licensed Premises

5.35 The Act provides an automatic entitlement to provide two gaming machines of category C or D. The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.

5.36 The Authority may also issue "licensed premises gaming machine permits" to premises in this category on application for any additional number of category C and/or D machines. This would generally replace any automatic entitlement under section 282 of the Act.

5.37 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:

- location, particularly in relation to vulnerable persons;
- suitability of the premises, size of premises in relation to the number of betting
- machines;
- the ability of staff to monitor the use or abuse of such machines; and
- the provision for licence holders to ensure appropriate age limits are adhered to.

5.38 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.39 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D) that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The authority will take account of these provisions. The relevant codes of practice are available on the Gambling Commission's website: http://www.gamblingcommission.gov.uk

Family Entertainment Centres

5.40 There are two classes of Family Entertainment Centres (FEC's) dependent upon the type of gaming machines provided on the premises:

- FEC's with category C and D machines require a Premises Licence.
- Unlicensed FEC's provide only category D machines and are regulated through FEC gaming machine permits.

An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. Applicants will need to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
- that the applicant has no relevant convictions (i.e. those set out in Schedule 7 of
- the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

5.41 In considering applications for permits, the Authority will give weight to child protection issues and will also consider the suitability of the location, in particular the:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children;
- town centre or edge of town centre locations.

5.42 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.43 An applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

Prize Gaming Permits

5.44 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

5.46 Consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children;
- town centre or edge of town centre locations.

5.47 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

5.48 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

Travelling Fairs

5.49 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission website.

Small Society Lotteries

5.50 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

5.51 Small society lotteries are required to be registered with the local authority in the area where their principal office is located.

Temporary Use Notices

5.52 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a "set of premises" where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance to Licensing Authorities).

Occasional Use Notices

5.53 Betting on unlicensed tracks may be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event.

The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a Notice in respect of premises can be dealt with under the definition of a "Track". It will also need to consider whether the Applicant is permitted to avail him/herself of the notice, however, there is no provision for objections to be made to this type of activity or for it to be prohibited.

Casinos

5.54 The Authority has passed a "no Casino resolution" under Section 166 of the Gambling Act 2005. This means that it has taken the decision not to issue any casino premises licences in the district of Ashfield.

Bingo

5.55 The holder of a bingo operating licence can apply for a bingo premises licence to provide any type of bingo game, including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority.

5.57 If the only type of bingo to be provided is prize bingo then this may be authorised by way of permit.

5.58 If children are allowed to enter premises licensed for bingo it is important that that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults (over 18s) are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.59 The Gambling Commission has issued guidance about the need for licensing authorities to take into account the suitability and layout of bingo premises. Therefore, plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. The Gambling Commission has issued guidance on the division of a building into more than one premises which can be found at **www.gamblingcommission.gov.uk.**

5.60 A limited number of gaming machines may also be made available at bingo licensed premises.

5.61 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs, provided it remains below a certain threshold as directed by the law, otherwise it will require a bingo operating licence which will have to be obtained from the Gambling Commission.

5.62 Developers may wish to apply to the Authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in the light of a need to obtain a premises licence.

There is no need to hold an operating licence in order to apply for a provisional statement.

6. INSPECTION AND ENFORCEMENT

General Statement

6.1 The authority will have regard to its General / Corporate Enforcement Policy and the Regulators Code, the relevant provisions of the Act, any relevant guidance and / or codes of practice when considering taking enforcement action.

6.2 It is the intention of the authority to establish and maintain enforcement protocols with other enforcement agencies.

Inspections

6.3 The authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk based inspection programme.

6.4 The inspection programme will, in principle, operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.

6.5 In addition to programmed inspections, the licensing authority will also investigate any evidence based complaints that it receives.

Policy Four

6.6 The authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:

- **location of the premises and their impact on the surrounding area;**
- **enforcement history of the premises;**
- **nature of the licensed or permitted operation;**
- **potential to have an adverse affect on the licensing objectives; and**
- **management record.**

REASON: ***To provide a targeted and cost-efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.***

Enforcement

6.7 In general, the Gambling Commission will take the lead on the investigation and where appropriate, the prosecution of illegal gambling. There may be occasions in which the licensing authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the authority's area.

6.8 Where a licensed premise is situated in more than one administrative area then this authority will liaise with the other authority to determine the most appropriate course of action and who will lead any investigation or prosecution.

6.9 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section.
In exercising these functions, the licensing authority will endeavour to follow the Better Regulation Principles. The principles require that enforcement should be:

- **Proportionate:** regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;

- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;

- **Consistent:** rules and standards must be joined up and implemented fairly;

- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and

- **Targeted:** regulation should be focused on the problem, and minimise side effects.

6.10 The licensing authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the authority considers necessary.

6.11 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

6.12 The authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.

6.13 The authority will avoid duplication with other regulatory regimes.

Glossary of Terms

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interests of clarity the following terms, which are used in this statement of licensing policy, are defined below:

Terminology	Definition
"the Act"	The Gambling Act 2005 (c19)
"Authority"	This refers to the "licensing authority" as defined by section 2 of the Act
"authorised person"	An officer of a licensing authority, **and** an officer of an authority other than a licensing authority, both of whom have been authorised for a purpose relating to premises in that authority's area
"authorised local authority officer"	An officer of a licensing authority who is an authorised person for a purpose relating to premises in that authority's area
"gambling commission"	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain
"guidance"	"Guidance to licensing authorities", , issued by the gambling commission under section 25 of the Gambling Act 2005
"interested parties"	Defined at paragraph 2.3 of this statement of licensing principles
"mandatory condition"	A condition that must be placed on a licence by virtue of regulations
"regulations"	Refers to regulations made under the Gambling Act 2005
"responsible authorities"	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.

APPENDIX ONE

List of Bodies and Organisations Consulted

1. District Councillors

2. Directors and relevant Business Managers

3. Betting Shops/Bookmakers

4. Bingo Halls

5. Amusement Arcades

6. Parish & Town Councils

7. Town Centre Partnerships

8. Pub Watch

9. Nottinghamshire Police

10. Nottinghamshire Fire & Rescue

11. Licensing Solicitors

12. Gamblers Anonymous

13. Nottinghamshire County Council Safeguarding Children Partnership

14. British Casino Association

15. Casino Operators Association of the U.K.

16. British Amusement Catering Trades Association

17. The Bingo Association

18. British Beer & Pub Association Midlands

19. Association of British Bookmakers

20. Gambling Commission

21. H.M. Customs & Excise

22. Members of Parliament